

ESTTA Tracking number: **ESTTA464511**

Filing date: **03/29/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91203570
Party	Defendant Leo Pharma A/S
Correspondence Address	Simor L. Moskowitz JACOBSON HOLMAN PLLC 400 7th Street, NW Washington, DC 20004 UNITED STATES trademark@jhip.com,smoskowitz@jhip.com
Submission	Answer
Filer's Name	Simor L. Moskowitz
Filer's e-mail	trademark@jhip.com,smoskowitz@jhip.com
Signature	/Simor L. Moskowitz/
Date	03/29/2012
Attachments	answer_20120329180404.pdf ( 4 pages )(760712 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

NOVARTIS AG,	)	
	)	
Opposer,	)	Opposition No. 91203570
	)	Appln.. No.: 85/261150
v.	)	
	)	
LEO PHARMA A/S	)	
	)	
Applicant.	)	

**ANSWER**

Applicant, LEO Pharma A/S, through its undersigned counsel, hereby answers the Notice of Opposition filed in the above-captioned matter as follows:

- 1) Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations as set forth in paragraph 1 of the Notice of Opposition, and therefore denies same.
  
- 2) Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations as set forth in paragraph 2 of the Notice of Opposition, and therefore denies same.
  
- 3) Applicant admits only that Exhibit A referenced in Paragraph 3 of the Notice of Opposition purports to be a printout as described, but Applicant is otherwise without sufficient knowledge or information upon which to form a belief as to the truth of the allegations as set forth in paragraph 3 of the Notice of Opposition, and therefore denies same.

4) Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations as set forth in paragraph 4 of the Notice of Opposition, and therefore denies same.

5) Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations as set forth in paragraph 5 of the Notice of Opposition, and therefore denies same.

6) Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations as set forth in paragraph 6 of the Notice of Opposition, and therefore denies same.

7) Applicant admits the allegations of paragraph 7 of the Notice of Opposition.

8) Applicant denies that the published application was "...based on an intent to use the mark under section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b)...", but otherwise admits the remaining allegations of paragraph 8 of the Notice of Opposition.

9) Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations as set forth in paragraph 9 of the Notice of Opposition, and therefore denies same.

10) Applicant denies the allegations of paragraph 10 of the Notice of Opposition, and demands strict proof thereof.

11) Applicant denies the allegations of paragraph 11 of the Notice of Opposition, and demands strict proof thereof.

12) Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations as set forth in paragraph 12 of the Notice of Opposition, and therefore denies same.

13) Applicant denies the allegations of paragraph 13 of the Notice of Opposition, and demands strict proof thereof.

14) Applicant denies the allegations of paragraph 14 of the Notice of Opposition, and demands strict proof thereof.

### **AFFIRMATIVE DEFENSES**

Further answering the Notice of Opposition, Applicant states:

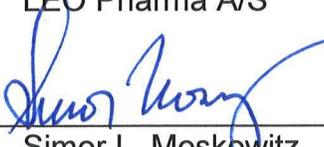
15) The Notice of Opposition fails to state a claim upon which relief can be granted.

16) There is no likelihood of confusion between Applicant's published LORSIMA trademark intended to be used in connection with the goods identified in the opposed application, and Opposer's pleaded LORYNA mark for "oral contraceptives".

WHEREFORE, Applicant believes that Opposer will not be damaged by the registration of Applicant's LORSIMA mark which is the subject of Application No. 85/261150, and respectfully requests that the Notice of Opposition be dismissed with prejudice, that the application be forwarded to allowance, and for such other and further relief as the Board deems appropriate.

Respectfully submitted,

LEO Pharma A/S

By: 

\_\_\_\_\_  
Simor L. Moskowitz  
JACOBSON HOLMAN, PLLC  
400 Seventh Street, N.W.  
Washington, D.C. 20004  
(202) 638-6666  
(202) 393-5350 (fax)  
[trademark@jhip.com](mailto:trademark@jhip.com), [smoskowitz@jhip.com](mailto:smoskowitz@jhip.com).  
Attorneys for Applicant

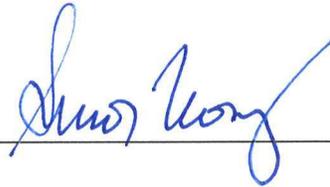
Dated: March 29, 2012  
Atty. Dkt.: I-6544

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing ANSWER was served via first class mail, postage prepaid, upon

James D. Weinberger, Esq.  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza, 6th Floor  
New York, NY 10017

this 29<sup>th</sup> day of March, 2012.



---